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SUBJECT: ALBANIA: RESHUFFLE IN PROSECUTOR'S OFFICE COMES UNDER
FIRE

REF: A) 07 TIRANA 1083 B) 07 TIRANA 1069 C) 07 TIRANA 1003

¶1. (SBU) SUMMARY: Prosecutor General (PG) Ina Rama carried out the first major reshuffling of her office since her appointment in November 2007. Fourteen prosecutors currently serving in the Prosecutor General's Office were removed and leadership of several District Prosecution Offices changed. Transferred prosecutors were appointed to the Appeals Prosecution Offices, the Serious Crimes Prosecution Office, and various other district prosecution offices in the country. Although PG Rama affirmed that the removals were apolitical and meant to re-structure and streamline the operation of the PG Office, opposition politicians have called the reshuffle political manipulation and a violation of law. Other observers have acknowledged the PG's Office was overstaffed and in need of reform. END SUMMARY.

¶2. (U) On January 21, President Topi pronounced the transfer of 14 of the 33 prosecutors currently serving in the PG's central offices and approved changes in the leadership of several district prosecution offices in Albania. (Note: The Prosecutor General proposes prosecutorial staffing changes, which must be approved by the President.) Rama justified the changes, stating that a reduction in HQ staff and an increase in prosecutors in the field were needed. Head prosecutors in Tirana, Durres, Fier and Elbasan were also replaced as part of the changes. According to sources in the Prosecutor's office, additional changes are planned for district prosecution offices in the future.

¶3. (SBU) Of the 14 prosecutors transferred, seven were appointed to various Appeals Prosecution Offices. Two others moved to the Serious Crimes Prosecution Office, an elite body that investigates organized crime and trafficking cases and which the Embassy holds in high esteem. Former close associate of dismissed Prosecutor Sollaku (Ref C) and head of the Extraditions Unit (Foreign Relations), Ardian Visha, was transferred to the Appeals Prosecution Office in Gjirokastra. Rama also transferred prosecutor Xhevat Hana, previously one of the three prosecutors handling the Rreshen Kalimash road project investigation affecting Foreign Minister Basha (Ref A), to the Serious Crimes Prosecution Office. Hana's transfer sparked sharp controversy with the opposition, who accused Rama of intentionally disrupting the investigation of this highly contentious case. In a subsequent news release, PG Rama assured that Hana will continue to participate in the investigation of the case despite the transfer.

¶4. (U) Opposition officials sharply criticized the staffing changes. Socialist Party (SP) officials considered the reshuffling a purge, charging that it violated the law and lacked transparency. The Socialist Movement for Integration (LSI) worried that the large number of transfers could disrupt the work of the PG's Office. Opposition officials considered the changes counter to the spirit of

cooperation established between the parties over judicial reform. However, in spite of sharp reactions, SP Chairman Edi Rama and LSI leader Meta remained quiet and work has continued in Parliament on judicial reform. Majority party officials supported the reshuffling, calling the changes a step toward reform in the Prosecutor General's office.

¶5. (U) Some in the legal community expressed concern that proper legal arguments had not explained each transfer. According to these sources, the changes suggest Rama is not giving proper attention to establishing a career and promotion system that would regulate personnel changes in the future. (COMMENT: Rama told Ambassador that such a system was a high priority for her (Ref B). She will explore various U.S. systems during her upcoming IVLP. END COMMENT.)

¶6. (SBU) Some observers are particularly concerned with the appointment of Arian Ndoja as head of the Prosecution office in Durres. Ndoja was dismissed by former PG Sollaku over alleged legal violations committed during the course of numerous investigations. (He has not been charged or further investigated, and his dismissal was ruled unlawful by the Supreme Court.) Rama proposed to rehire Ndoja, reportedly a former classmate of hers, rather than other candidates recommended by the Prosecutor's Council, an advisory body to the PG that considers hiring and promotion of prosecutors. One of the recommended candidates was Sokol Nishani, the brother of the current Minister of Interior, whom, contrary to expectations, Rama did not appoint.

¶7. (SBU) Separately, a well-respected legal contact said it was normal for the new PG to make changes in her senior management team. He added that it was also to be expected that President Topi would support Rama in her early efforts as she had only just come into her post and deserved his backing for the moment. He praised Rama's selection for the Tirana District Prosecution office, saying the

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individual (a personal acquaintance) had a strong professional record and integrity. According to our source, the new Tirana prosecutor could not be considered an acolyte of Berisha's Democratic Party.

¶8. (SBU) COMMENT: The announced personnel changes at the PG central office come at a time of high expectations for the new PG. Many in legal circles acknowledge that the Office was overstaffed and a shelter for patronage appointees. The Law on the Prosecutor General and a recent Constitutional Court decision regarding transfers provides the PG with sweeping powers, diminishing arguments that Rama violated legal provisions and carried out illegal demotions. Only the transfer of Sollaku confidant Visha to the Appeals office in Gjirokaster smacks of a demotion. The Prosecutor's Office -- like almost all independent and civil service institutions in Albania -- has a crying need for a strong and rigorously implemented career and promotion system. In announcing such major personnel changes, Rama might have been wise to also present her vision for systematic change for her Office. For the time being, evidence of a political bent to the transfers is lacking.
WITHERS